

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

VS

CR. NO. 3:16CR0097-02(PG)

RAYMOND SANTANA-AVILES

**MOTION NOTIFYING VIOLATIONS OF SUPERVISED RELEASE CONDITIONS,
REQUESTING AN ARREST WARRANT AND ORDER TO SHOW CAUSE HEARING**

**COMES NOW, Sherley Aponte, United States Probation Officer of this
Honorable Court,** informing and praying as follows:

On October 27, 2016, Mr. Raymond Santana-Aviles was sentenced by Honorable Judge Juan Perez-Jimenez to nine (9) months of imprisonment, to be followed by three (3) year supervised release term for violations of Title 18, United States Code, Section 922(k) and 924(a)(1)(B) to wit: Possession of a Firearm with an Obliterated Serial Number. On June 23, 2017, Mr. Santana-Aviles started his supervised release term. On October 23, 2018, the supervised released term was revoked to two (2) years of imprisonment, to be followed by twelve (12) months of supervised release. On May 19, 2020, Mr. Santana-Aviles started his second supervised release term.

**RELEASEE HAS INCURRED IN THE FOLLOWING VIOLATIONS OF HIS
SUPERVISED RELEASE TERM:**

MANDATORY CONDITION NO. 1- "THE DEFENDANT SHALL NOT COMMIT

ANOTHER FEDERAL, STATE OR LOCAL CRIME”

MANDATORY CONDITION NO. 3- “YOU MUST REFRAIN FROM ANY UNLAWFUL USE OF A CONTROL SUBSTANCE. YOU MUST SUBMIT TO ONE DRUG TEST WITHIN 15 DAYS OF RELEASE FROM IMPRISONMENT AND AT LEAST TWO DRUG TESTS THEREAFTER, AS DETERMINED BY THE COURT.”

STANDARD CONDITION NO. 4- “YOU MUST ANSWER TRUTHFULLY THE QUESTIONS ASKED BY YOUR PROBATION OFFICER”

STANDARD CONDITION NO. 13- “YOU MUST FOLLOW THE INSTRUCTIONS OF THE PROBATION OFFICER RELATED TO THE CONDITIONS OF SUPERVISION”

On April 15, 2021, a phone call was received from Federal Bureau of Investigation (FBI) Agent reporting that during a surveillance, Mr. Santana-Aviles was observed along with two other unknown individuals driving around in a vehicle described as a purple Scion. A neighbor informed to FBI agents that they observed a group of individuals running from the purple Scion and leaving some articles in a trash. The FBI agents presented some photographs to the neighbor who identified Mr. Santana-Aviles as one of the individuals in that group. The agents searched the trash indicated by the neighbor and found firearms, ammunition, and suspected drugs. FBI agents found Mr. Santana-Aviles in a nearby home after receiving consent to enter the home. A search to the vehicle it was found a Ziploc with what appeared to be marihuana, a bag with multiple containers and drug paraphernalia. Mr. Santana-Aviles admitted that everything found in the vehicle

belonged to him. Later, Mr. Santana-Aviles was arrested.

On May 22, 2020, Mr. Santana-Aviles yielded positive to the use of Buprenorphine and Oxycodone. On May 29, 2020, during an office appointment the person under supervision admitted the use of Buprenorphine but denied the use of Oxycodone. The admission form was discussed and voluntarily signed by Mr. Santana-Aviles. Also, he reported having schedule an appointment at SANOS program to help him cope with his life stressors. On June 1, 2020, he provided the treatment certification, which stated that he was prescribed Suboxone (Buprenorphine). On June 8, 2020, he was enrolled on the Random Drug Testing Program (RDTP).

On June 18, 2020, Mr. Santana-Aviles failed to report to a urine collection as part of the RDTP. On said date, he was verbally reprimanded and advised about the importance of complying with the RDTPP program and his supervised release conditions.

On June 23, 2020, a positive to the use of Benzodiazepines, Fentanyl, Opiates and Buprenorphine was received. On September 15, 2020, he failed to report for a urine collection as part of the RDTP. Mr. Santana-Aviles reported being unable to report to the urine collection due to the lack of transportation.

On October 26, 2020, he had scheduled a urine sample but reported being on COVID-19 quarantine and was excused from it. On December 8, 2020, he was unable to report to the urine collection as required and when inquired he reported having transportation issues. On December 9, 2020, during a home visit he was removed from

the RDTP and advised that the urine collection will be made during community or home visits. He reported his interest in stopping the use of Suboxone treatment.

Mr. Santana-Aviles has been unavailable by phone for supervision purposes. On February 12, 2021, a positive to the use of Cannabinoids, Fentanyl and Opiates was received. The drug admission form was discussed and voluntarily signed. On March 30, 2021, during an office appointment the supervisee confirmed that he desisted of the Suboxone treatment and denied drug use. A positive to the use of fentanyl and opiates was received in violation of standard condition number 4. Mr. Santana-Aviles has been given several opportunities to admit the drug use and he chooses not to be truthful.

WHEREFORE, I view of the above-mentioned circumstances, and in an effort to manage the noncompliance behavior, it is respectfully requested that the Court take notice of the contents of this Motion and that an arrest warrant be issued so that the supervisee may be brought before this Court to show cause why supervised release term should not be revoked.

In San Juan, Puerto Rico, this 16th of April 2021.

RESPECTFULLY SUBMITTED,
LUIS O. ENCARNACION, CHIEF
U.S. PROBATION OFFICER
S/ Sherley Aponte
Sherley Aponte
U.S. Probation Officer

CERTIFICATE OF SERVICE

I HEREBY certify that on April 16, 2021, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system, and notification of such filing will be sent to the parties involved via email.

In San Juan, Puerto Rico, this 16th April 2021.

RESPECTFULLY SUBMITTED
LUIS O. ENCARNACION, CHIEF
U.S. PROBATION OFFICER

S/ Sherley Aponte
Sherley Aponte
U.S. Probation Officer